IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8107 of 1990

with
SPECIAL CIVIL APPLICATION No.8150 of 1990

with
SPECIAL CIVIL APPLICATION No.8151 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

VADODARA JILLA KELVANI VIKAS MANDAL
Versus
DEPUTY SECRETARY

Appearance:
MR JIVANLAL G SHAH for Petitioner
RULE SERVED for Respondent No. 1, 3
Ms. Nandini Joshi, ASSTT GOVERNMENT PLEADER for Respondent No. 2

CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 25/08/2000

COMMON ORAL JUDGEMENT :

In these petitions, the petitioner trust has challenged the order passed by the authority, Director of Social Welfare Department, Gujarat State, Gandhinagar, whereby the recognition granted to the petitioner trust to run Shishu Vihar Bal Vadi at various places came to be withdrawn on account of the grounds mentioned therein, such as, Bal Vadi was closed in the year 1988- 89 and that the place of Bal Vadi was changed. It was alleged that the petitioner trust did not comply with the rules applicable to such Bal Vadis. It is given out in the hearing that the petitioner trust is not able to run Bal Vadis as recognition was withdrawn by the authorities. At present also the petitioner trust is not running these Bal Vadis. The only point which Mr.Shah, learned advocate for the petitioner urges is that this withdrawal of recognition in the year 1988 by the authorities by the impugned order should not come in their way in case the trust makes an application for running such Bal Vadis in future.

2. Learned AGP, Ms. Nandini Joshi submits that recognition was granted to the petitioner trust to run Bal Vadis on certain conditions, which the petitioner trust was under obligation to comply with. Therefore, the order passed by the authorities is just and proper and it does not require any interference at the hands of this Court. So far as the point urged by Mr.Shah regarding the withdrawal in question not coming in the way of the petitioner trust in making an application in future, Ms.Nandini Joshi pleads no instructions. However, learned AGP submits that there is no basis for that apprehension, and hence cannot be accepted. However, if at all the trust makes an application in future the same will be considered by the authorities in accordance with law.

3. In view of the aforesaid submissions of both the sides, it is deemed fit that these petitions may be disposed of as having become infructuous inasmuch as the order dated 29.8.1990 by which recognition was withdrawn with effect from 1.4.1988 is already acted upon and Mr.Shah, learned advocate for the petitioner do not press these petitions for quashing of the same on the ground that he cannot be granted any effective relief against the same. So far as the sole contention regarding withdrawal of recognition in the year 1988 not coming in the way of the petitioner trust when the trust makes an

application for running such Balvadis in future is concerned, it is submitted by the learned Assistant Govt. Pleader that the same is not having any factual foundation and therefore, no relief can be granted in that regard also. However, it goes without saying that as and when the petitioner trust makes an application, the same shall be considered by the authorities in accordance with law.

4. Accordingly all these petitions stand disposed of with no order as to cost. Rule is discharged.

25th August 2000 (Ravi R. Tripathi, J.)

karim*